IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9246 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BACHUBHAI @ THAKORBHAI JASHBHAI AMIN

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 9246 of 2003

MR RA PATEL for Petitioner No. 1

MR NJ SHAH for MR DN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 03/09/2003

ORAL JUDGEMENT

1. Rule. Service of Rule is waived by learned advocate Mr NJ Shah for Senior Standing Counsel Mr DN Patel for the respondent-authority. Upon request of the

learned advocates for the parties, the petition is taken up for final hearing today.

2. In this petition, it has been prayed that the respondent-authority should be directed to make necessary changes in the passport, which has been issued to the petitioner or a new passport with correct date of birth be issued to the petitioner.

3. Learned advocate Shri RA Patel appearing for the petitioner has submitted that on the basis of the school leaving certificate issued to the petitioner, which had been presented before the passport authority, the date of birth recorded in his passport is 2nd June, 1943. It has been submitted that subsequently the petitioner has come to know that his correct date of birth is 31st December, 1942 and the said fact was known to him only when he came to know that his birth had been registered in the Register of Births and Deaths and the date of birth recorded in the said register is 31st December, 1942. In the circumstances, the petitioner wants the date of birth to be corrected in the passport.

4. Learned advocate Shri NJ Shah appearing for the respondent-authority has submitted that so far the petitioner has not submitted any application to the passport authority. It has been submitted by him that if an application for new passport is submitted along with the relevant record referred to in the petition, the application shall be considered in accordance with law.

5. In view of the said statement, learned advocate Shri RA Patel appearing for the petitioner has submitted that such an application shall be submitted and along with the said application a copy of this petition shall also be submitted to the passport authority so that his case can be considered in accordance with law.

6. Prima-facie, it appears that the respondent-passport authority shall have to do the exercise only on account of a mistake committed by the petitioner in the past and, therefore, a sum of Rs.3000/- shall be paid by the petitioner to the respondent-authority by way of costs.

7. Subject to the above direction, the petition stands disposed of as allowed. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(A.R. DAVE, J.)

zgs/-